MUKILTEO CITY COUNCIL AGENDA BILL 2019-83	
SUBJECT TITLE: Continued Public Hearing - Shoreline Master Program Update	**Meeting Date:** October 7, 2019

Staff Lead: Linda Ritter, Senior Planner	**Exhibits:**
	The following documents from the September 3, 3019 Council packet are available in full online at:
	
	https://mukilteowa.gov/departments/planning-development/planning-long-range/smp/
	
	1. Agenda Bill and Exhibits from September 3, 2019 City Council Packet.
	
	    1-1. Ordinance No. 1427
	    1-2. Shoreline Master Program Amendments
	    1-3. MMC Title 17B - Draft Shoreline Management Regulation Amendments
	    1-4. Dept. of Ecology - Periodic Review Checklist
	    1-5. Findings of Fact and Conclusions
	    1-6. Public Comments/Staff Response
	    1-7. Feb. 4, 2019 SEPA Determination (DNS)
	    1-8. Waterfront Mixed Use Height Analysis
	    1-9. March 20, 2014 Planning Commission Minutes
	    1-10A. Dept. of Ecology Initial Determination, August 2, 2019
	    1-10B. Dept. of Ecology Recommendations, August 2, 2019
	    1-10. Staff Response to the Dept. of Ecology's Comments
	    1-11. Resolution No. 2019-04
	    1-12. Dept. of Ecology – September 3, 2019 City Council Public Hearing PowerPoint Presentation
	    1-13. September 3, 2019 City PowerPoint Presentation
	
	The following <u>new exhibits</u> are provided to Council as part of this Agenda Bill:
	2. Responses to September 3, 2019 City Council Questions
	3. Ordinary High Water Mark Maps
	4. Waterfront View Corridor Map
	5. October 7, 2019 City PowerPoint Presentation

Department Director: David Osaki, Community Development Director	
Estimated Time: 60 minutes	
Previous Review: Council Land Use Committee Work Session - 6/10/2019; Council - 2/28/2018 ; September 3, 2019 Public Hearing	
Budget Reference: 2019 Final Budget, Community Development: Planning, Page 67: Other Professional Services: $50,000	

Budget Information: Account Name Account

Amount Budgeted: (2018-2019, DOE Grant)	$20,000	**Other Professional Services – Shoreline Master Program**	011.58.558.600.41 06
Amount Spent to Date: (2018-2019)	$19,802		
Expenditure Required:	$0		
Additional Appropriation Required:	$0		

RECOMMENDATION

1. Council **MOTION** to pass Ordinance No. 1427 (**Exhibits 1-1, 1-2, and 1-3**) related to updating the Shoreline Master Program and amending Mukilteo Municipal Code (MMC) Title 17B - Shoreline Management Regulations.

   [NOTE: Proposed Ordinance No. 1427 reflects the April 18, 2019 Planning Commission recommendation, with additional amendments to incorporate the August 2, 2019 Department of Ecology recommended and required amendments. In effect, Ordinance No. 1427 represents the Department of Ecology recommendation].

AND

2. Council **MOTION** to approve Resolution No. 2019-004 (**Exhibit 1-11**) authorizing staff to forward the Shoreline Master Program and all supporting documents to the Washington State Department of Ecology for final approval.

SUMMARY

On September 3, 2019, the City Council opened a public hearing on amendments to the City of Mukilteo Shoreline Master Program ("SMP"). The amendments are part of a State mandated SMP update process required every eight years.

The City Council action was to continue the public hearing to October 7, 2019 to allow time to thoroughly review the information for the SMP update. The City Council also asked questions and requested additional information.

At the October 7, 2019 continued public hearing, the City Council will determine whether or not to accept the Planning Commission and /or DOE's recommendations and adopt Ordinance No. 1427 (**see Exhibits 1-1, 1-2, and 1-3**). Ordinance No 1427 would, if passed, approve the SMP Update and amend the City's Shoreline Management Regulations.

After approval of the Ordinance No. 1427, the City Council may then approve Resolution No. 2019-04 (**Exhibit 1-11**) authorizing staff to forward the amended Shoreline Master Program and all supporting documents to the Washington State Department of Ecology for review and final approval as required by State law.

OCTOBER 7, 2019 CONTINUED PUBLIC HEARING - ADDITIONAL INFORMATION

At its September 3, 2019 public hearing, the City Council requested information on the following items:

- Shoreline Management Act ("SMA") height requirements;
- Height requirements applicable to the NOAA (federally owned) property;
- Properties along the Urban Waterfront shoreline designation subject to the current 25 foot height limitation;
- Whether new mitigation measures can be imposed on previously approved projects;
- How the SMP and shoreline regulation minimize view impacts;
- Parking requirements in shoreline environment areas;
- How projects in the SMP Shoreline Restoration Plan might be reprioritized;
- How frequently the SMP may be amended.

Responses to these questions may be found in **Exhibit 2**.

In addition, two maps showing the 200 foot setback (shoreline jurisdiction) from the estimated Ordinary High Water Mark ("OHWM") boundary for that part of the City's shoreline in the "Urban Waterfront" shoreline environment designation are included in **Exhibit 3.** One map depicts the 200 foot OHWM setback with location of the future WSDOT ferry terminal; the other does not.

Finally, **Exhibit 4** is profile imaging (cross sections) of the waterfront from three (3) different locations using 3D Light Detection and Ranging (LiDAR) mapping. These images illustrate the difference in elevation between properties along the waterfront and properties located on the bluff above. This range in elevation is based on height above sea level.

ALTERNATIVES

Council may:

- Pass Ordinance No. 1427, as presented, which incorporates the Planning Commission recommendation, as revised by the DOE comments.
- Amend and then pass Ordinance No. 1427, as amended.
- Continue the public hearing to accept additional public comment and/or discuss other alternatives.